

121203 16076 U.S. PTO

Practitioner's Docket No. : MBIO98-048CP2CN1M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

31353 U.S. PTO
10/734985
121203

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Yang Pan

For: NOVEL MOLECULES OF THE TANGO-93-RELATED PROTEIN FAMILY AND USES
THEREOF

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Patent Application
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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Address"
Mailing Label No. EL961947512US

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

(type or print name of person certifying)

Date: December 12, 2003

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ This application is a continuation of U.S. Application Serial Number 10/134,410 filed April 29, 2002, which is a continuation-in-part of U.S. Application Serial Number 09/369,693, filed August 6, 1999, which is a continuation-in-part of U.S. Application Serial Number 09/131,263, filed August 7, 1998, all of which are hereby incorporated by reference in their entirety.

3. Maintenance of Copendency of Prior Application

- A. ☒ Extension of time in prior U.S. Application Serial Number 10/134, 410 (filed by Express Mail 12/12/03) (Copy Enclosed) (2 pages).

- B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.

- ☐ A **copy** of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

105 Pages of Specification, including
97 Pages of Description
7 Pages of Claims
1 Page of Abstract
7 Sheets of Drawings (Figure(s) 1-6)

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- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
- ☐ Formal
- ☒ Informal

6. Additional Papers Enclosed

- ☒ Transmittal of Information Disclosure Statement (2 pages) and Information Disclosure Statement (2 pages) (37 C.F.R. Section 1.98)
- ☒ Forms PTO/SB/08A (1 page) and PTO/SB/08B (1 page) (formerly Form PTO-1449)
- ☒ Copies of References cited in form PTO/SB/08A (B1-B3)
- ☐ Declaration of Biological Deposit
- ☒ 8 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823) and 4 pages of Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto for Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence (37 CFR Section 1.821(f))
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Preliminary Amendment (11 pages)

7. Declaration or Oath (including power of attorney)

- ☒ (2 pages) A copy of the executed Combined Declaration and Power of Attorney as filed in prior application serial number 10/134,410.
- ☐ Not Enclosed.

8. Assignment

- ☒ A copy of the recorded assignment of the invention to Millennium Pharmaceuticals, Inc. from parent application serial number 10/134,410 (9 pages)
 - ☒ is enclosed.
 - ☐ will follow.

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9. **Fee Calculation** (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$770.00
Total Claims (37 C.F.R. Section 1.16(c))	20	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. Section 1.16(b))	3	- 3 =	0	\$86.00	\$0.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	0	\$290.00			\$0.00

Filing Fee Calculation **\$770.00**

- ☐ Amendment canceling extra claims is enclosed.
- ☐ Amendment deleting multiple-dependencies is enclosed.
- ☐ Fee for extra claims is not being paid at this time.

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10. Method of Payment of Fees

- ☐ Check in the amount of \$_____.
- ☒ Charge Account No. 501668 in the amount of \$770.00
A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

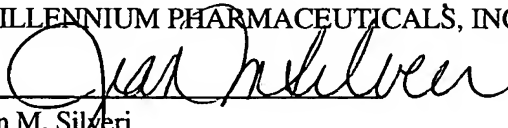
- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

December 12, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By 
Jean M. Silveri
Attorney for Applicant
Registration No. 39,030
40 Landsdowne Street
Cambridge, MA 02139
Telephone - 617-679-7336
Facsimile - 617 551 8820

☒ Statement Where No Further Pages Added

- ☒ This transmittal ends with this page

COPY

Practitioner's Docket No. MBIO98-048CP2M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pan, Yang
Application No.: 10/134,410 Group No.: 1646
Filed: April 29, 2002 Examiner: O'Hara, Eileen B.
For: NOVEL MOLECULES OF THE TANGO-93-RELATED PROTEIN FAMILY AND
USES THEREOF

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME (37 C.F.R. SECTION 1.136(a))

1. This is a petition for an extension of the time for a total period of one month to respond to the restriction requirement dated October 21, 2003.

2. Applicant is
[x] other than a small entity.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

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Mailing Label No. EL961947526US

TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Sean Hunziker

(type or print name of person certifying)

Date: December 12, 2003

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3. Calculation of extension fee (37 C.F.R. Section 1.17(a)(1)-(5)):

Extension (months)	Fee for other than small entity	Fee for small entity
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.000
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00
<input type="checkbox"/> five months	\$ 2,010.00	\$1,005.00
		Fee <u>\$110.00</u>

If an additional extension of time is required, please consider this a petition therefor.

☐ An extension for _____ months has already been secured. The fee paid therefor of
\$0.00 _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request _____

4. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been
filed, if any), the extended period for response will expire on December 21, 2003.

5. Fee Payment

☐ Attached is a check in the sum of \$0.00
☒ Charge Account 501668 for any additional extension and/or fee required or
credit for any excess fee paid.

☒ Charge fee to Account No. 501668. This is a request to charge for any additional
extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached.

December 12, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By _____

Jean M. Silveri

Registration No. 39,030

40 Landsdowne Street

Cambridge, MA 02139

Telephone - 617-679-7336

Facsimile - 617-551-8820